REMARKS

Claims 1-14 are pending in this present application. In the Office Action, claims 1-4, 8-10, 12, and 13 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,407,988 to Agraharam, et al. (***Agraharam***) in view of U.S. Patent No. 6,073,016 to Hulthen, et al. (***Hulthen***). The Applicants respectfully traverse the Examiner's rejection of the pending claims.

With regard to independent claim 1, Applicants describe and claim, among other things, determining whether the flow identification information of a quality of service session to be configured matches the flow identification information of an existing quality of service session. The Examiner admits that ***Agraharam*** is completely silent with regard to determining feature, as set forth in claim 1 and argues that ***Hulthen*** describes the determining feature. However, ***Hulthen***, is completely silent with regard to the flow identification information in the IP packets that are directed to the mobile node. ***Hulthen*** does not compare particular proposed flow identification information to flow identification information already in use. The flow identification information in the IP packets, which the Examiner alleges corresponds to the identification code or the mobile ID, is not matched to the flow identification information of an existing quality of service session. Instead, the mobile identification code and/or the random number generated by the mobile communication unit is used to differentiate the mobile communication unit.

The Examiner alleges that a combination of ***Agraharam*** and ***Hulthen*** teaches or suggests one or more claimed features in claim 1. The Applicants respectfully disagree. Claim 1 calls for a method of establishing an internet protocol (IP) quality of service session between a

correspondent node and a mobile node. The quality of service session may be maintained based on flow identification information in the IP packets that are directed to the mobile node from the correspondent node via the home network. The method comprises determining whether the flow identification information of a quality of service session to be configured matches the flow identification information of an existing quality of service session. In response to a match, the method calls for allocating temporary flow identification information to the quality of service session to be configured.

The Examiner's reliance on the combination of ***Agraharam*** and ***Hulthen*** is erroneous. ***Hulthen*** uses the mobile identification code to designate and distinguish the mobile communication unit 66 from the other mobile communication units 66. ***Hulthen*** determines mobile identification for a session with a host computer, base station or other device. A random number generated by the mobile communication unit 66 may further designate and distinguish the mobile communication unit. See col. 8, lines 28-40 in ***Hulthen***, col. 2, lines 54-55. ***Hulthen*** teaches matching the random number sent from the mobile communication unit 66 requesting the session to the mobile ID stored in a table of available identification code.

With respect to allocating temporary flow identification information, the Examiner argues that ***Hulthen*** discloses that if the processor 103 determines the mobile ID used in making the session request is not active, the processor 103 removes the mobile ID from the table of available ID codes so that no future mobile communication unit 66 later is assigned this same ID. The Examiner alleges that ***Hulthen*** teaches the allocating temporary flow identification information feature in claim 1 insofar as it teaches assigning a unique mobile ID and the Examiner further argues that assigning a unique mobile ID will necessarily result in assigning a unique identification flow information. See ***Hulthen***, col. 10, lines 42-47.

In particular, the temporarily mobile ID, which the Examiner alleges corresponds to the "temporarily flow identification information" of the claimed invention, does not provide a unique ID. Instead, ***Hulthen*** teaches that a mobile communication unit may select the same temporary ID that another mobile communication unit has selected for a pending request. See ***Hulthen*** col. 10, lines 57-63. By selecting a temporary mobile ID code, the mobile communication unit requests the host computer to assign it a unique mobile ID code for future use. The processor 103 checks to see if the temporary mobile ID with which the mobile communication unit 66 is requesting a session is currently available as determined by reviewing the table of available identification code. See ***Hulthen***, col. 10, lines 11-13, and lines 22-26.

However, a closer review of Figure 5A of ***Hulthen***, which is relied upon by the Examiner to show this allocating temporary flow identification information, shows that two or more pending requests for a mobile ID from mobile communication units 66 which have randomly selected the same temporarily ID is a possible scenario. Because two or more requests may be pending for a single mobile ID from different mobile communication units 66 which have randomly selected the same temporarily ID, the temporary mobile ID of ***Hulthen*** is not, and cannot, be a unique piece of information associated with a particular request. Rather, a request for a session for a unique mobile ID to be assigned from mobile communication units 66 which have randomly selected the same temporarily ID, requires further differentiation between the mobile communication units based on another information or number, *i.e.*, the 32bit random number forwarded by each mobile communication unit to the host computer 66 along with the temporarily mobile ID. Thus, ***Hulthen*** teaches selecting the same temporarily ID by multiple mobile communication units.

Accordingly, the Examiner cannot content that the ***Hulthen*** teaches assigning temporary flow identification information to the quality of service session to be configured because the Examiner argues that this "unique mobile ID" corresponds to the "temporary flow identification information" recited in claim 1. In other words, the Examiner cannot use assigning of a unique mobile ID for future use to satisfy allocating temporary flow identification information to the quality of service session to be configured. This is clearly improper. In the instant case, because the Examiner asserts that the unique mobile ID corresponds to the "identification flow information," the Examiner has failed to show allocating temporary flow identification information.

Moreover, the cited references fail to provide any suggestion or motivation for combining ***Agraharam*** and ***Hulthen*** to arrive at the claimed invention. In fact, the cited references indicate that there is no motivation for allocating temporary flow identification information responsive to a match between the flow identification information of a quality of service session to be configured and the flow identification information of an existing quality of service session. To the contrary, ***Hulthen*** teaches away from the Examiner's proposed combination. As discussed above, the Examiner argues that ***Agraharam*** teaches allocating temporary foreign address for a quality of service session to be configured, but ***Hulthen*** teaches that temporary ID's may not be uniquely selected. It is by now well established that teaching away by the prior art constitutes *prima facie* evidence that the claimed invention is not obvious.

It is respectfully submitted that claim 1 is not rendered obvious in a *prima facie* manner in view of ***Agraharam*** and ***Hulthen***, considered either alone or in combination. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Moreover, there must be some suggestion or

motivation, either in the references themselves or in the knowledge generally available one of ordinary skill in the art, to modify the reference or to combine reference teachings. That is, there must be something in the prior art as a whole to suggest the desirability and thus the obviousness, of making the combination. The mere fact that the prior art can be combined or modified does not make the resultant combination obvious. In other words, in an obviousness objection, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. Based on the above-indicated legal standards, it is respectfully submitted that the ***Agraharam*** and ***Hulthen*** references fail to provide the requisite suggestion or motivation to combine the references in the manner suggested by the Examiner. In fact, if anything, the two references teach away from the claimed invention, as discussed below.

For at least the aforementioned reasons, Applicants respectfully submit that Examiner has failed to make a *prima facie* case of obviousness over ***Agraharam*** and ***Hulthen***, considered either alone or in combination. Applicants request that the Examiner's rejection of claims 1, 4, 8-10, 12, and 13 under 35 U.S.C. §103(a) be withdrawn.

The Examiner relies on U.S. Patent No. 6,697,354 to Borella, et al. (***Borella***) to reject claims 5, 6, and 14, arguing that the combination of cited references teach the rejected claims. The Applicants respectfully disagree. Arguments with respect to the rejected dependent claims 5, 6, and 14 have been noted. However, in view of the aforementioned reasons, the Examiner's rejection is traversed and therefore not specifically addressed. To the extent the characterizations of the prior art references or Applicant's claimed subject matter are not specifically addressed, it is to be understood that Applicants do not acquiesce to such characterization. Reconsideration of

the present application is respectfully requested. In light of the arguments presented above, Applicants respectfully assert that claims 5, 6, and 14 are in condition for allowance. Accordingly, a notice of allowance is respectfully requested.

In view of the foregoing, Applicants respectfully submit that all pending claims are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4089 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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